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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,710	02/05/2004	Jan S. Temler	TEC-025287-US	5625
1726 7590 11/09/2007 INTERNATIONAL PAPER COMPANY 6285 TRI-RIDGE BOULEVARD LOVELAND, OH 45140			EXAMINER. BEAUCHAINE, MARK J	
			ART UNIT	PAPER NUMBER
			3653	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,710	Applicant(s) TEMLER ET AL.	
	Examiner Mark J. Beauchaine	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9,10,13-25 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9,10,13-25 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of the Applicant's amendment dated 19 October 2007 that is in response to final Office action dated 20 June 2007 is acknowledged. After further consideration, claims 1, 4-6, 9, 10, 13-25 and 30 pending in the instant application are subject to new grounds of rejection. Accordingly, finality of said final Office action is hereby withdrawn.

Drawings

The drawings were received on 19 October 2007. The amendment of Figure 3b of these drawings is accepted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 5 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "shaft" (claim1, line 18) lacks sufficient antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 13-19 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Number 2,624,444 by Casabona ("Casabona"). The clog clearing apparatus for separating debris from wood products disclosed by Casabona comprises shield 25/26/31 that is disposed between adjacent ends of upstream and down stream conveyors 13, covers a gap between said conveyors, and has proximal side edge 25 disposed adjacent the end of said upstream conveyor (see Figures 1-3). Casabona further discloses rotational mounting means/shaft means 26 for mounting said shield such that automatic movement of said shield from a clog of debris results in various coverage of said gap, and hinge means 32 for mounting said shaft means for hinged lateral movement between said conveyors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casabona in view of Patent Number US 6,371,304 B2 by Gambini ("Gambini").

The clog clearing apparatus for separating debris from wood products disclosed by Casabona comprises shield 25/26/31 that is disposed between adjacent ends of upstream and down stream conveyors 13, covers a gap between said conveyors, and has proximal side edge 25 disposed adjacent the end of said upstream conveyor (see Figures 1-3). Casabona further discloses mounting means/shaft means 26 for mounting said shield such that automatic movement of said shield from a clog of debris results in various coverage of said gap, and hinge means 32 for mounting said shaft means for hinged lateral movement between said conveyors.

Casabona fails to disclose a shield biasing means. Gambini teaches a shaft-mounted shield 36 that occupies a gap between adjacent ends of conveyors 22 and 30 (see Figures 2 and 5) and is biased towards a position of maximum coverage of said gap via biasing means 38 for the purpose of preventing articles conveyed between said conveyors from entering said gap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the biasing means of Gambini

into the clog clearing apparatus of Casabona for the purpose of preventing articles conveyed between said conveyors from entering said gap.

Casabona fails to disclose receipt means of opposite shaft ends. The use of shaft-end receipt means to limit the lateral movement of a shaft is an obvious design configuration that would have been obvious to one of ordinary skill in the art because any such lateral movement of a component within an apparatus must be limited with respect to other components of said apparatus to ensure proper function of said apparatus.

Claims 9, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casabona as applied to claims 6 and 15 above, and further in view of Gambini. Casabona fails to disclose a shield biasing means. Gambini teaches a shaft-mounted shield 36 that occupies a gap between adjacent ends of conveyors 22 and 30 (see Figures 2 and 5) and is biased towards a position of maximum coverage of said gap via biasing means 38 for the purpose of preventing articles conveyed between said conveyors from entering said gap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the biasing means of Gambini into the clog clearing apparatus of Casabona for the purpose of preventing articles conveyed between said conveyors from entering said gap.

Claims 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casabona as applied to claims 6 and 19 above. Casabona fails to disclose receipt

means of opposite shaft ends. The use of shaft-end receipt means to limit the lateral movement of a shaft is an obvious design configuration that would have been obvious to one of ordinary skill in the art because any such lateral movement of a component within an apparatus must be limited with respect to other components of said apparatus to ensure proper function of said apparatus.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casabona in view of Gambini as applied to claim 23 above, and further in view of Patent Number 4,955,484 by Rintala et al ("Rintala"). Casabona/Gambini fails to disclose a second biasing means. Rintala teaches a clog clearing apparatus comprising second biasing means 11 that positions shield 12 within a gap at a minimum distance from the end of conveyor 3 (see Figure 4) for the purpose of preventing wood products conveyed past said apparatus from entering said gap. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the second biasing means of Rintala into the apparatus of Casabona/Gambini for the purpose of preventing wood products conveyed past said apparatus from entering said gap.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-6, 9, 10, 13-25 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb


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